

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

W.R. GRACE & CO., *et al.*,

Debtors.

Chapter 11

Case No. 01-01139 (JKF)
(Jointly Administered)

Ref. Nos. 22017, 22466

**LIBBY CLAIMANTS' MOTION FOR LEAVE TO FILE LIBBY CLAIMANTS'
REPLY BRIEF IN SUPPORT OF MOTION TO RECONSIDER**

Claimants injured by exposure to tremolite asbestos from the Debtors' operations in and near Libby, Montana (the "Libby Claimants"¹) by and through their counsel, Cohn Whitesell & Goldberg LLP, and Landis Rath & Cobb LLP, hereby request authority to file a Reply Brief in Support of the [Motion to Reconsider]² ("Reply") and in response to: (1) Debtors' Response to Libby Claimants' Motion to Reconsider Order Granting in Part Arrowood's Motion to Strike Whitehouse Report (D.I. 22388); and (2) [Arrowood's] Opposition to Libby Plaintiff Lawyers' Motion to Reconsider the Court's Order Granting in Part Arrowood's Motion to Strike Whitehouse Report (D.I. 22390), each dated July 10, 2009.

Although the Local Rules of this Court now permit replies, this Court's chambers procedures suggest that replies require approval from the Court. Thus, the Libby Claimants seek leave to file the Reply to address the objections raised by the Debtors and Arrowood. The Libby Claimants respectfully submit that the Reply will assist the Court in making its determination with respect to the relief requested in the Motion to Reconsider. Libby Claimants further suggest

¹ As identified in the Amended and Restated Verified Statement of Cohn Whitesell & Goldberg LLP and Landis Rath & Cobb LLP Pursuant to Fed. R. Bankr. P. 2019 [D.I. 21365], as it may be amended and restated from time to time.

² On May 27, 2009, this Court entered a Modified Order Granting in Part Motion of Arrowood Indemnity Company, f/k/a/ Royal Indemnity Company to Strike Whitehouse Expert Report or, Alternatively, Compel the Production of Documents and Databases on Which He Relies and for Entry of a Confidentiality Order." (D.I. 21874) ("Modified Order"). On June 8, Libby Claimants filed a Motion to Reconsider the Modified Order. (D.I. 22017) ("Motion to Reconsider").

that given the important link that Dr. Whitehouse's testimony represents to all parties in preparation of Phase II Pre-Trial Proceedings, and also in his capacity as the treating physician to Libby Claimants, leave should be granted for the Reply.

WHEREFORE, the Libby Claimants respectfully request the entry of an Order granting (i) the Libby Claimants authority to file the Reply; and (ii) such other and further relief as the Court may deem just and proper.

Dated: July 15, 2009
Wilmington, Delaware

LANDIS RATH & COBB LLP

Kerri K. Mumford / July 15, 2009 w/ permission

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